

# **Exhibit A**

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**From:** Baglin, Seth  
**Sent:** Thursday, December 15, 2022 4:23 PM  
**To:** 'Amanda Byrd'  
**Cc:** Ashby, Danny S.; Michael Moore; Ramer, Paula; Godesky, Leah; Martin, Meghan C.; Heather Hacker; Eugenia Krieg; Lollar, Tirzah; Jennifer Rowell; Bittner, Tyler C.; Andrew Stephens; Christopher Hilton; Amy Hilton; Reynolds Brissenden; Drew Wright; Kris Kennedy; Kathryn Allen; Janice Garrett; Mark Einfalt; Chapa, Justin R.; Santella, Amanda M.; Reeder-Ricchetti, Emily; Gerstner, Alyssa; Galin, Ross B.; Margolis, Craig D.; Odell, Christopher M.; Pieper, Megan; Will Thompson; Dunn, Owen; Born, Jayce  
**Subject:** RE: Request to Produce Non-Privileged Documents

Amanda,

PPFA opposes any motion at this juncture. Plaintiffs have been unable to explain their urgency with this matter, especially when PPFA has been willing to meet and confer and, as highlighted below, the parties had their first meet and confer about the challenged documents two days ago. As I previously stated, PPFA is finalizing its review of the challenged documents. Plaintiffs can expect to receive additional downgraded documents, and I will provide an update on the exact number of documents as soon as possible. PPFA also opposes the expedited-schedule request. It's completely inappropriate to request a briefing schedule that gives PPFA one business day to respond on these important issues.

**O'Melveny**

**Seth Baglin**

[sbaglin@omm.com](mailto:sbaglin@omm.com)

O: +1-213-430-7553

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Los Angeles, CA 90071  
[Website](#) | [LinkedIn](#) | [Twitter](#)

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**From:** Amanda Byrd <Amanda.Byrd@oag.texas.gov>  
**Sent:** Thursday, December 15, 2022 3:39 PM  
**To:** Baglin, Seth <sbaglin@omm.com>  
**Cc:** Ashby, Danny S. <dashby@omm.com>; Michael Moore <Michael.Moore@oag.texas.gov>; Ramer, Paula <Paula.Ramer@arnoldporter.com>; Godesky, Leah <lgodesky@omm.com>; Martin, Meghan C. <Meghan.Martin@arnoldporter.com>; Heather Hacker <heather@hackerstephens.com>; Eugenia Krieg <Eugenia.Krieg@oag.texas.gov>; Lollar, Tirzah <Tirzah.Lollar@arnoldporter.com>; Jennifer Rowell <Jennifer.Rowell@oag.texas.gov>; Bittner, Tyler C. <tbittner@omm.com>; Andrew Stephens <andrew@hackerstephens.com>; Christopher Hilton <Christopher.Hilton@oag.texas.gov>; Amy Hilton <Amy.Hilton@oag.texas.gov>; Reynolds Brissenden <Reynolds.Brissenden@oag.texas.gov>; Drew Wright <Drew.Wright@oag.texas.gov>; Kris Kennedy <Kris.Kennedy@oag.texas.gov>; Kathryn Allen <Kathryn.Allen@oag.texas.gov>; Janice Garrett <Janice.Garrett@oag.texas.gov>; Mark Einfalt <Mark.Einfalt@oag.texas.gov>; Chapa, Justin R. <jchapa@omm.com>; Santella, Amanda M. <asantella@omm.com>; Reeder-Ricchetti, Emily <Emily.Reeder-Ricchetti@arnoldporter.com>; Gerstner, Alyssa <Alyssa.Gerstner@arnoldporter.com>; Galin, Ross B. <rgalin@omm.com>; Margolis, Craig D. <Craig.Margolis@arnoldporter.com>; Odell, Christopher M. <Christopher.Odell@arnoldporter.com>; Pieper, Megan

<Megan.Pieper@arnoldporter.com>; Will Thompson <Will.Thompson@oag.texas.gov>; Dunn, Owen  
<Owen.Dunn@arnoldporter.com>; Born, Jayce <Jayce.Born@arnoldporter.com>

**Subject:** RE: Request to Produce Non-Privileged Documents

[EXTERNAL MESSAGE]

We intend to file the motion to compel and understand your email to mean you are opposed to the motion and assume the same for a request for expedited briefing. We are proposing an expedited briefing schedule of Response due 12/19 and Reply due 12/20. If we have not heard from you by 6:30 CST, we'll assume you're opposed to both.

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**From:** Baglin, Seth <[sbaglin@omm.com](mailto:sbaglin@omm.com)>

**Sent:** Wednesday, December 14, 2022 5:12 PM

**To:** Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>

**Cc:** Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>; Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Martin, Meghan C. <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell <[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden <[Reynolds.Brissenden@oag.texas.gov](mailto:Reynolds.Brissenden@oag.texas.gov)>; Drew Wright <[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy <[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen <[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice Garrett <[Janice.Garrett@oag.texas.gov](mailto:Janice.Garrett@oag.texas.gov)>; Mark Einfalt <[Mark.Einfalt@oag.texas.gov](mailto:Mark.Einfalt@oag.texas.gov)>; Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>; Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Gerstner, Alyssa <[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; Galin, Ross B. <[rgalin@omm.com](mailto:rgalin@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan <[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; Dunn, Owen <[Owen.Dunn@arnoldporter.com](mailto:Owen.Dunn@arnoldporter.com)>; Born, Jayce <[Jayce.Born@arnoldporter.com](mailto:Jayce.Born@arnoldporter.com)>

**Subject:** Re: Request to Produce Non-Privileged Documents

Amanda,

It has only been 26 hours since our last meet & confer discussion on Plaintiffs' challenges to the PPFA log. Any motion would be premature because the parties are still actively negotiating over privilege claims within the log. PPFA is currently reviewing Plaintiffs' challenged documents and will be prepared to provide a response within the next 24 hours. PPFA will likely downgrade or redact certain of the challenged documents so Plaintiffs can see the surrounding context of the communications. As a result, any motion would not only be premature but a waste of the Court's resources.

Best,

Seth

On Dec 14, 2022, at 2:04 PM, Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)> wrote:

[EXTERNAL MESSAGE]

Danny and Seth – the State is preparing to file a motion to compel as to PPFA and the Affiliates on the priv log issues we've talked about. Please let me know by 5:00 CST whether you are opposed. If we haven't heard from you by then, we'll indicate opposed.

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**From:** Amanda Byrd

**Sent:** Tuesday, December 13, 2022 1:21 PM

**To:** Baglin, Seth <[sbaglin@omm.com](mailto:sbaglin@omm.com)>; Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>

**Cc:** Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Martin, Meghan C. <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell <[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>; Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden <[Reynolds.Brissenden@oag.texas.gov](mailto:Reynolds.Brissenden@oag.texas.gov)>; Sinty Chandy <[Sinty.Chandy@oag.texas.gov](mailto:Sinty.Chandy@oag.texas.gov)>; Drew Wright <[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy <[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen <[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice Garrett <[Janice.Garrett@oag.texas.gov](mailto:Janice.Garrett@oag.texas.gov)>; Mark Einfalt <[Mark.Einfalt@oag.texas.gov](mailto:Mark.Einfalt@oag.texas.gov)>; Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>; Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Gerstner, Alyssa <[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; Galin, Ross B. <[rgalin@omm.com](mailto:rgalin@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan <[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; Dunn, Owen <[Owen.Dunn@arnoldporter.com](mailto:Owen.Dunn@arnoldporter.com)>; Born, Jayce <[Jayce.Born@arnoldporter.com](mailto:Jayce.Born@arnoldporter.com)>

**Subject:** RE: Request to Produce Non-Privileged Documents

Danny and Seth,

As discussed on our call, please see the attached spreadsheet. The items highlighted in yellow are items the State has reason to believe are not privileged in light of testimony in this case. The following list of names were used in our review:

1. Dyana Limon-Mercado (PP Texas Votes)
2. Alyah Khan (PP Texas Votes)
3. Yvonee Gutierrez (PP Texas Votes)
4. Andrew Taverite
5. Kim Custer
6. Teri Trivisonno

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**From:** Amanda Byrd

**Sent:** Monday, December 12, 2022 6:05 PM

**To:** Baglin, Seth <[sbaglin@omm.com](mailto:sbaglin@omm.com)>; Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>

**Cc:** Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Martin, Meghan C. <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell <[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>; Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden

<Reynolds.Brissenden@oag.texas.gov>; Sinty Chandy <Sinty.Chandy@oag.texas.gov>; Drew Wright <Drew.Wright@oag.texas.gov>; Kris Kennedy <Kris.Kennedy@oag.texas.gov>; Kathryn Allen <Kathryn.Allen@oag.texas.gov>; Janice Garrett <Janice.Garrett@oag.texas.gov>; Mark Einfalt <Mark.Einfalt@oag.texas.gov>; Chapa, Justin R. <jchapa@omm.com>; Santella, Amanda M. <asantella@omm.com>; Reeder-Ricchetti, Emily <Emily.Reeder-Ricchetti@arnoldporter.com>; Gerstner, Alyssa <Alyssa.Gerstner@arnoldporter.com>; Galin, Ross B. <rgalin@omm.com>; Margolis, Craig D. <Craig.Margolis@arnoldporter.com>; Odell, Christopher M. <Christopher.Odell@arnoldporter.com>; Pieper, Megan <Megan.Pieper@arnoldporter.com>; Will Thompson <Will.Thompson@oag.texas.gov>; Dunn, Owen <Owen.Dunn@arnoldporter.com>; Born, Jayce <Jayce.Born@arnoldporter.com>

**Subject:** RE: Request to Produce Non-Privileged Documents

Tomorrow at 11 PST works for us. You can call 1-855-783-0296 (no passcode).

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**From:** Baglin, Seth <sbaglin@omm.com>

**Sent:** Monday, December 12, 2022 5:59 PM

**To:** Michael Moore <Michael.Moore@oag.texas.gov>

**Cc:** Amanda Byrd <Amanda.Byrd@oag.texas.gov>; Ramer, Paula <Paula.Ramer@arnoldporter.com>; Godesky, Leah <lgodesky@omm.com>; Martin, Meghan C. <Meghan.Martin@arnoldporter.com>; Heather Hacker <heather@hackerstephens.com>; Eugenia Krieg <Eugenia.Krieg@oag.texas.gov>; Lollar, Tirzah <Tirzah.Lollar@arnoldporter.com>; Jennifer Rowell <Jennifer.Rowell@oag.texas.gov>; Bittner, Tyler C. <tbittner@omm.com>; Ashby, Danny S. <dashby@omm.com>; Andrew Stephens <andrew@hackerstephens.com>; Christopher Hilton <Christopher.Hilton@oag.texas.gov>; Amy Hilton <Amy.Hilton@oag.texas.gov>; Reynolds Brissenden <Reynolds.Brissenden@oag.texas.gov>; Sinty Chandy <Sinty.Chandy@oag.texas.gov>; Drew Wright <Drew.Wright@oag.texas.gov>; Kris Kennedy <Kris.Kennedy@oag.texas.gov>; Kathryn Allen <Kathryn.Allen@oag.texas.gov>; Janice Garrett <Janice.Garrett@oag.texas.gov>; Mark Einfalt <Mark.Einfalt@oag.texas.gov>; Chapa, Justin R. <jchapa@omm.com>; Santella, Amanda M. <asantella@omm.com>; Reeder-Ricchetti, Emily <Emily.Reeder-Ricchetti@arnoldporter.com>; Gerstner, Alyssa <Alyssa.Gerstner@arnoldporter.com>; Galin, Ross B. <rgalin@omm.com>; Margolis, Craig D. <Craig.Margolis@arnoldporter.com>; Odell, Christopher M. <Christopher.Odell@arnoldporter.com>; Pieper, Megan <Megan.Pieper@arnoldporter.com>; Will Thompson <Will.Thompson@oag.texas.gov>; Dunn, Owen <Owen.Dunn@arnoldporter.com>; Born, Jayce <Jayce.Born@arnoldporter.com>

**Subject:** Re: Request to Produce Non-Privileged Documents

Hi Michael and Amanda,

The production will be sent today. We are available tomorrow morning for a meet and confer at 9 or 11 PST.

On Dec 12, 2022, at 2:18 PM, Michael Moore <Michael.Moore@oag.texas.gov> wrote:

[EXTERNAL MESSAGE]

Hi Seth –

I'm following up with you about Amanda's email from this morning. After reviewing PPFA's updated privilege log, I believe there are still issues that need to be

addressed. Please let us know your availability tomorrow (Tuesday) morning for a meet and confer. Given the late stage of this case, we need to address these issues no later than tomorrow morning. Otherwise, we will need to seek the court's intervention.

Thank you.

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**From:** Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>

**Sent:** Monday, December 12, 2022 10:28 AM

**To:** Baglin, Seth <[sbaglin@omm.com](mailto:sbaglin@omm.com)>

**Cc:** Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Martin, Meghan C. <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell <[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>; Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden <[Reynolds.Brissenden@oag.texas.gov](mailto:Reynolds.Brissenden@oag.texas.gov)>; Sinty Chandy <[Sinty.Chandy@oag.texas.gov](mailto:Sinty.Chandy@oag.texas.gov)>; Drew Wright <[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy <[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen <[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice Garrett <[Janice.Garrett@oag.texas.gov](mailto:Janice.Garrett@oag.texas.gov)>; Mark Einfalt <[Mark.Einfalt@oag.texas.gov](mailto:Mark.Einfalt@oag.texas.gov)>; Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>; Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Gerstner, Alyssa <[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; Galin, Ross B. <[rgalin@omm.com](mailto:rgalin@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan <[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; Dunn, Owen <[Owen.Dunn@arnoldporter.com](mailto:Owen.Dunn@arnoldporter.com)>; Born, Jayce <[Jayce.Born@arnoldporter.com](mailto:Jayce.Born@arnoldporter.com)>

**Subject:** RE: Request to Produce Non-Privileged Documents

Seth –

Thanks for the updated PPFA priv log. We haven't received the production yet. Do you have a few minutes to meet and confer on this today? I'm free anytime.

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**From:** Baglin, Seth <[sbaglin@omm.com](mailto:sbaglin@omm.com)>

**Sent:** Friday, December 9, 2022 9:49 PM

**To:** Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>

**Cc:** Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Martin, Meghan C. <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell <[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>; Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden <[Reynolds.Brissenden@oag.texas.gov](mailto:Reynolds.Brissenden@oag.texas.gov)>; Sinty Chandy <[Sinty.Chandy@oag.texas.gov](mailto:Sinty.Chandy@oag.texas.gov)>; Drew Wright <[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy <[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen <[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice

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Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Gerstner, Alyssa  
<[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; Galin, Ross B. <[rgalin@omm.com](mailto:rgalin@omm.com)>; Margolis,  
Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M.  
<[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan  
<[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Patrick Sweeten  
<[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>;  
Dunn, Owen <[Owen.Dunn@arnoldporter.com](mailto:Owen.Dunn@arnoldporter.com)>; Born, Jayce  
<[Jayce.Born@arnoldporter.com](mailto:Jayce.Born@arnoldporter.com)>

**Subject:** RE: Request to Produce Non-Privileged Documents

Hi Amanda,

As discussed below, I've attached our revised privilege log.

Best,  
Seth

## O'Melveny

**Seth Baglin**

[sbaglin@omm.com](mailto:sbaglin@omm.com)

O: +1-213-430-7553

---

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---

**From:** Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>

**Sent:** Wednesday, December 7, 2022 6:35 AM

**To:** Baglin, Seth <[sbaglin@omm.com](mailto:sbaglin@omm.com)>

**Cc:** Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; Ramer, Paula  
<[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Martin,  
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<[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar,  
Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell  
<[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Ashby, Danny  
S. <[dashby@omm.com](mailto:dashby@omm.com)>; Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>;  
Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton  
<[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden  
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Drew Wright <[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy  
<[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen <[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice  
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Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>;  
Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Gerstner, Alyssa  
<[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; Galin, Ross B. <[rgalin@omm.com](mailto:rgalin@omm.com)>; Margolis,



Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M.  
<[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan  
<[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Patrick Sweeten  
<[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>;  
Dunn, Owen <[Owen.Dunn@arnoldporter.com](mailto:Owen.Dunn@arnoldporter.com)>; Born, Jayce  
<[Jayce.Born@arnoldporter.com](mailto:Jayce.Born@arnoldporter.com)>

**Subject:** RE: Request to Produce Non-Privileged Documents

[EXTERNAL MESSAGE]

Seth – No worries! I think it makes more sense to just wait until after the State receives PPFA's amended privilege log and the supplemental doc production. I'll be in a deposition on Monday, but I will plan to touch base with you by Tuesday if we need to have additional discussion – does that work for you?

---

**From:** Baglin, Seth <[sbaglin@omm.com](mailto:sbaglin@omm.com)>  
**Sent:** Tuesday, December 6, 2022 10:31 PM  
**To:** Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>  
**Cc:** Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; Ramer, Paula  
<[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Martin,  
Meghan C. <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker  
<[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar,  
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Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton  
<[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden  
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Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Gerstner, Alyssa  
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Dunn, Owen <[Owen.Dunn@arnoldporter.com](mailto:Owen.Dunn@arnoldporter.com)>; Born, Jayce  
<[Jayce.Born@arnoldporter.com](mailto:Jayce.Born@arnoldporter.com)>  
**Subject:** Re: Request to Produce Non-Privileged Documents

Hi Amanda,

Unfortunately I have a conflict at that time. Are you available on Friday at 12-2 or after 3:30 CST?

Best,  
Seth



On Dec 6, 2022, at 1:09 PM, Amanda Byrd  
<[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)> wrote:

[EXTERNAL MESSAGE]

Seth, we are planning to discuss the affiliate privilege log with Paula Ramer tomorrow at 10 (9 central) is anyone from your team able to join that call?

---

**From:** Baglin, Seth <[sbaglin@omm.com](mailto:sbaglin@omm.com)>  
**Sent:** Monday, December 5, 2022 10:00 PM  
**To:** Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>; Martin, Meghan C. <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell <[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>; Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden <[Reynolds.Brissenden@oag.texas.gov](mailto:Reynolds.Brissenden@oag.texas.gov)>; Sinty Chandy <[Sinty.Chandy@oag.texas.gov](mailto:Sinty.Chandy@oag.texas.gov)>; Drew Wright <[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy <[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen <[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice Garrett <[Janice.Garrett@oag.texas.gov](mailto:Janice.Garrett@oag.texas.gov)>; Mark Einfalt <[Mark.Einfalt@oag.texas.gov](mailto:Mark.Einfalt@oag.texas.gov)>  
**Cc:** Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>; Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Gerstner, Alyssa <[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; Galin, Ross B. <[rgalin@omm.com](mailto:rgalin@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan <[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; Dunn, Owen <[Owen.Dunn@arnoldporter.com](mailto:Owen.Dunn@arnoldporter.com)>; Born, Jayce <[Jayce.Born@arnoldporter.com](mailto:Jayce.Born@arnoldporter.com)>  
**Subject:** RE: Request to Produce Non-Privileged Documents

Michael,

PPFA is withdrawing its privilege claims on 44 documents from our 10/11/2022 privilege log and 7 documents from our 11/23/2022

supplemental privilege log, which includes 39 documents that were not challenged by Plaintiffs but have been downgraded based on further review by PPFA. We will serve amended privilege logs and make a supplemental production by the end of this week.

For the remainder of the documents, we disagree that the testimony from Kim Custer and Vickie Barrow-Klein is relevant to those entries for several reasons, including that (i) the documents identified do not relate to the Texas and Louisiana Medicaid termination proceedings (*see, e.g.*, Nos. PRIV-000731, PRIV-000732, PRIV-000733), (ii) the documents were created before the time period where L&L represented the Affiliates in the Medicaid-termination proceedings (*see, e.g.*, Nos. PRIV-000270, PRIV-001412, PRIV-001590), and (iii) the documents involve communications between only L&L and Affiliates (*see, e.g.*, Nos. PRIV-002281, PRIV-002290, PRIV-002382). If Plaintiffs have other reasons to challenge those documents, we will be happy to address them during a meet and confer. If Plaintiffs continue to challenge those documents, please provide two time slots on Wednesday and Friday, and we will make ourselves available.

PPFA's decision to downgrade the 44 documents referenced in the first paragraph of this message is not, and shall not be deemed or interpreted to be, a waiver of PPFA's privilege claims over any other documents and communications.

Best,  
Seth

**O'Melveny**

**Seth Baglin**

[sbaglin@omm.com](mailto:sbaglin@omm.com)

O: +1-213-430-7553

---

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---

**From:** Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>

**Sent:** Monday, December 5, 2022 3:44 PM

**To:** Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>; Martin, Meghan C. <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell <[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C.

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**Subject:** RE: Request to Produce Non-Privileged Documents

[EXTERNAL MESSAGE]

Hi All –

I'm following with everyone about Amanda's emails below. Both PPFA and the Affiliate Defendants indicated they would provide a response today. We need your response by 10pm this evening.

Thank you,  
Mike

---

**From:** Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>

**Sent:** Friday, December 2, 2022 9:10 AM

**To:** [lgodesky@omm.com](mailto:lgodesky@omm.com); Amanda Byrd

<[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>; Martin, Meghan C.

<[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker

<[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg

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<[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell

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Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M.  
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<[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; Dunn, Owen  
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<[Jayce.Born@arnoldporter.com](mailto:Jayce.Born@arnoldporter.com)>  
**Subject:** RE: Request to Produce Non-Privileged Documents

Amanda –

The Affiliate Defendants are also reviewing the documents you are challenging, but given the number, we will also need until at least Monday to provide a response.

Thanks,  
Paula

---

Paula Ramer  
Partner | [Bio](#)

**Arnold & Porter**

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---

**From:** Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>  
**Sent:** Friday, December 2, 2022 9:17 AM  
**To:** Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>; Martin, Meghan C.  
<[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker  
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<[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; [zzz.External.tbittner@omm.com](mailto:zzz.External.tbittner@omm.com)  
<[tbittner@omm.com](mailto:tbittner@omm.com)>; Michael Moore  
<[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; [zzz.External.dashby@omm.com](mailto:zzz.External.dashby@omm.com)  
<[dashby@omm.com](mailto:dashby@omm.com)>; Andrew Stephens  
<[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton  
<[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton  
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<[Reynolds.Brissenden@oag.texas.gov](mailto:Reynolds.Brissenden@oag.texas.gov)>; Sinty Chandy  
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<[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy  
<[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen  
<[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice Garrett  
<[Janice.Garrett@oag.texas.gov](mailto:Janice.Garrett@oag.texas.gov)>; Mark Einfalt  
<[Mark.Einfalt@oag.texas.gov](mailto:Mark.Einfalt@oag.texas.gov)>

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[zzz.External.asantella@omm.com](mailto:zzz.External.asantella@omm.com) <[asantella@omm.com](mailto:asantella@omm.com)>; Reeder-  
Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Ramer,  
Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Gerstner, Alyssa  
<[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; [zzz.External.rgalin@omm.com](mailto:zzz.External.rgalin@omm.com)  
<[rgalin@omm.com](mailto:rgalin@omm.com)>; Margolis, Craig D.  
<[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M.  
<[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan  
<[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Patrick Sweeten  
<[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Will Thompson  
<[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; Dunn, Owen  
<[Owen.Dunn@arnoldporter.com](mailto:Owen.Dunn@arnoldporter.com)>; Born, Jayce  
<[Jayce.Born@arnoldporter.com](mailto:Jayce.Born@arnoldporter.com)>

**Subject:** RE: Request to Produce Non-Privileged Documents

External E-mail

Amanda, PPFA is working diligently to get back to Texas on this, but there are several hundred documents to review and discuss with our client. We anticipate being in a position to meet and confer on this on Monday. We'll keep you updated. Thanks.

Leah

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**From:** Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>  
**Sent:** Thursday, December 1, 2022 1:14 PM  
**To:** Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Martin, Meghan C.  
<[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker  
<[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg  
<[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah  
<[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell  
<[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C.  
<[tbittner@omm.com](mailto:tbittner@omm.com)>; Michael Moore  
<[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; Ashby, Danny S.  
<[ashby@omm.com](mailto:ashby@omm.com)>; Andrew Stephens  
<[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton  
<[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton  
<[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden  
<[Reynolds.Brissenden@oag.texas.gov](mailto:Reynolds.Brissenden@oag.texas.gov)>; Sinty Chandy  
<[Sinty.Chandy@oag.texas.gov](mailto:Sinty.Chandy@oag.texas.gov)>; Drew Wright  
<[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy  
<[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen  
<[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice Garrett  
<[Janice.Garrett@oag.texas.gov](mailto:Janice.Garrett@oag.texas.gov)>; Mark Einfalt

<[Mark.Einfalt@oag.texas.gov](mailto:Mark.Einfalt@oag.texas.gov)>

**Cc:** Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>; Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Gerstner, Alyssa <[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; Galin, Ross B. <[rgalin@omm.com](mailto:rgalin@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan <[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; [owen.dunn@arnoldporter.com](mailto:owen.dunn@arnoldporter.com); [jayce.born@arnoldporter.com](mailto:jayce.born@arnoldporter.com)

**Subject:** RE: Request to Produce Non-Privileged Documents

[EXTERNAL MESSAGE]

Thanks, Leah!

---

**From:** Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>

**Sent:** Thursday, December 1, 2022 3:13 PM

**To:** Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>; Martin, Meghan C. <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell <[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>; Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden <[Reynolds.Brissenden@oag.texas.gov](mailto:Reynolds.Brissenden@oag.texas.gov)>; Sinty Chandy <[Sinty.Chandy@oag.texas.gov](mailto:Sinty.Chandy@oag.texas.gov)>; Drew Wright <[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy <[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen <[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice Garrett <[Janice.Garrett@oag.texas.gov](mailto:Janice.Garrett@oag.texas.gov)>; Mark Einfalt <[Mark.Einfalt@oag.texas.gov](mailto:Mark.Einfalt@oag.texas.gov)>

**Cc:** Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>; Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Gerstner, Alyssa <[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; Galin, Ross B. <[rgalin@omm.com](mailto:rgalin@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan <[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; [owen.dunn@arnoldporter.com](mailto:owen.dunn@arnoldporter.com);

**Subject:** RE: Request to Produce Non-Privileged Documents

Hi Amanda, we're in receipt of your messages, are reviewing the logs, and will circle back soon.

Leah

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**From:** Amanda Byrd <[Amanda.Byrd@oag.texas.gov](mailto:Amanda.Byrd@oag.texas.gov)>  
**Sent:** Thursday, December 1, 2022 12:59 PM  
**To:** Martin, Meghan C. <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell <[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>; Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden <[Reynolds.Brissenden@oag.texas.gov](mailto:Reynolds.Brissenden@oag.texas.gov)>; Sinty Chandy <[Sinty.Chandy@oag.texas.gov](mailto:Sinty.Chandy@oag.texas.gov)>; Drew Wright <[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy <[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen <[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice Garrett <[Janice.Garrett@oag.texas.gov](mailto:Janice.Garrett@oag.texas.gov)>; Mark Einfalt <[Mark.Einfalt@oag.texas.gov](mailto:Mark.Einfalt@oag.texas.gov)>  
**Cc:** Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>; Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Gerstner, Alyssa <[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; Galin, Ross B. <[rgalin@omm.com](mailto:rgalin@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan <[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; [owen.dunn@arnoldporter.com](mailto:owen.dunn@arnoldporter.com); [jayce.born@arnoldporter.com](mailto:jayce.born@arnoldporter.com)  
**Subject:** RE: Request to Produce Non-Privileged Documents

[EXTERNAL MESSAGE]

Counsel,

The attached contains the non-privileged materials the State has identified in PPFA's supplemental privilege log that was served last night. The identified items are not privileged under the same analysis contained in the email below regarding Defendants' earlier privilege



logs. Please produce the materials from PPFA's supplemental privilege log with those requested in the email below.

Regards,

**Amanda C. Byrd**

Assistant Attorney General  
Civil Medicaid Fraud  
512-936-1304

---

**From:** Amanda Byrd

**Sent:** Wednesday, November 30, 2022 10:51 PM

**To:** 'Martin, Meghan C.' <[Meghan.Martin@arnoldporter.com](mailto:Meghan.Martin@arnoldporter.com)>; Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>; Eugenia Krieg <[Eugenia.Krieg@oag.texas.gov](mailto:Eugenia.Krieg@oag.texas.gov)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Jennifer Rowell <[Jennifer.Rowell@oag.texas.gov](mailto:Jennifer.Rowell@oag.texas.gov)>; [tbittner@omm.com](mailto:tbittner@omm.com); Michael Moore <[Michael.Moore@oag.texas.gov](mailto:Michael.Moore@oag.texas.gov)>; [dashby@omm.com](mailto:dashby@omm.com); Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Christopher Hilton <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Reynolds Brissenden <[Reynolds.Brissenden@oag.texas.gov](mailto:Reynolds.Brissenden@oag.texas.gov)>; Sinty Chandy <[Sinty.Chandy@oag.texas.gov](mailto:Sinty.Chandy@oag.texas.gov)>; Drew Wright <[Drew.Wright@oag.texas.gov](mailto:Drew.Wright@oag.texas.gov)>; Kris Kennedy <[Kris.Kennedy@oag.texas.gov](mailto:Kris.Kennedy@oag.texas.gov)>; Kathryn Allen <[Kathryn.Allen@oag.texas.gov](mailto:Kathryn.Allen@oag.texas.gov)>; Janice Garrett <[Janice.Garrett@oag.texas.gov](mailto:Janice.Garrett@oag.texas.gov)>; Mark Einfalt <[Mark.Einfalt@oag.texas.gov](mailto:Mark.Einfalt@oag.texas.gov)>

**Cc:** [lgodesky@omm.com](mailto:lgodesky@omm.com); [jchapa@omm.com](mailto:jchapa@omm.com); [asantella@omm.com](mailto:asantella@omm.com); Reeder-Ricchetti, Emily <[Emily.Reeder-Ricchetti@arnoldporter.com](mailto:Emily.Reeder-Ricchetti@arnoldporter.com)>; Ramer, Paula <[Paula.Ramer@arnoldporter.com](mailto:Paula.Ramer@arnoldporter.com)>; Gerstner, Alyssa <[Alyssa.Gerstner@arnoldporter.com](mailto:Alyssa.Gerstner@arnoldporter.com)>; [rgalin@omm.com](mailto:rgalin@omm.com); Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Pieper, Megan <[Megan.Pieper@arnoldporter.com](mailto:Megan.Pieper@arnoldporter.com)>; Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; 'owen.dunn@arnoldporter.com' <[owen.dunn@arnoldporter.com](mailto:owen.dunn@arnoldporter.com)>; 'jayce.born@arnoldporter.com' <[jayce.born@arnoldporter.com](mailto:jayce.born@arnoldporter.com)>

**Subject:** Request to Produce Non-Privileged Documents

Counsel,

As you are aware, on Monday and Tuesday, PPFA corporate representatives Kim Custer and Vickie Barrow-Klein testified that: (1) there was no attorney-client relationship between PPFA and PPFA's Litigation & Law ("L&L") section in the context of the Texas and Louisiana Medicaid terminations of the Planned Parenthood affiliates;

(2) that the L&L section represented the Planned Parenthood affiliates during this time period; and (3) communications during this time period between L&L and non-legal PPFA personnel were either of non-privileged information already available in the public realm or made pursuant to a waiver agreement by the Planned Parenthood affiliates. Thus, for purposes of PPFA's and the Affiliate Defendants' privilege logs, there can be no attorney-client privilege (or any other privilege) over any such communications between L&L employees and the affiliates that also include a non-L&L PPFA employee.

As such, based on the privilege logs produced to date there are 396 line items on the Affiliates' Privilege Log over which they claim privilege where there is a PPFA non-L&L employee on the email. The line items are identified on the attached document titled Challenges to Affiliates' Privilege. There are also 71 emails on PPFA's privilege log that are not privileged in light of the recent testimony; these are identified in the attached document titled Challenges to PPFA's Privilege.

Under these circumstances, we are asking you to produce the identified emails within 48 hours or Plaintiffs will file a motion to compel.

Regards,

**Amanda C. Byrd**

Assistant Attorney General  
Civil Medicaid Fraud  
512-936-1304

---

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

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For more information about Arnold & Porter, click here:  
<http://www.arnoldporter.com>